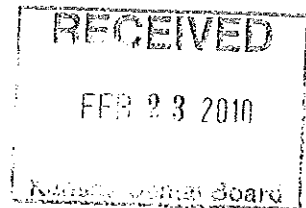


Kansas Dental Board  
Minutes of October 30, 2009



The Kansas Dental Board met on October 30, 2009, at 9:00 a.m. in Rm 108 of Landon State Office Bldg, Topeka, Kansas. (M) = Moved, (S) = seconded.

**1. MEETING CALLED TO ORDER:** Dr. Richard Darnall, DDS, President called the meeting to order at 9:00 a.m.

**MEMBERS PRESENT:** Dr. Richard Darnall, DDS, President; Ms. Jane Criser, RDH, Vice President; Jim Showalter, Public Member; Dr. Karen Callanan; Dr. Roger Stevens, DDS; Dr. Michael Milford, DDS; and Dr. Glenn Hemberger, DDS; by conference phone for part of the meeting: Ms. Denise Maus, RDH, Secretary

**STAFF PRESENT:** Betty Wright, Executive Director and Melissa Graham, Admin. Officer, Mr. Randy Forbes, attorney, and Dr. Steve Johnson, DDS board inspector.

**ABSENT:** Dr. Richelle Roy, DDS.

**2. APPROVAL OF AGENDA:** It was (M) and (S) to amend and approve the agenda. The motion to approve the agenda as modified passed.

**3. APPROVAL OF MINUTES:** It was (M) and (S) to approve the September 11, 2009 minutes. The motion passed.

**4.** Dr. Brian Jenkins presented evidence in regards to his request to modify the limitation of his board order that stipulated his employment be limited to GraceMed Clinic in Wichita. He presented testimony by Dr. Boe, of Paola, his counsel, Mr. Rick Merker, attorney at law, and himself. Dr. Jenkins also requested that the board allow him to be employed by Dr. Boe.

It was (M) and (S) and passed to recess to executive session for discussion of matters within a confidential document at 9:38 a.m. to reconvene at 9:50 a.m.

Reconvened at 9:50 a.m. it was (M) and (S) and passed to recess to executive session for deliberations.

At 10:55 a.m. the board reopened the meeting.

**ADJOURNMENT:** The Board meeting was adjourned for a break at 10:55 a.m.

**RECONVENE:** President Darnall reconvened the Board meeting at 11:05 a.m.

It was (M) and (S) and passed to deny Dr. Jenkins' request for a modification. The board reasoned it is premature to consider a substantive change in his practice structure until he has at least successfully completed the HAPN program. The board clarified that he has done well in his current practice structure at GraceMed. The board decided that they would grant him permission to practice in a similar practice structure, so that he is not limited to employment only at Gracemed. He must get employment approval by board permission. The board expects him to continue in a salaried position. Dr. Jenkins requested that the board reconsider their decision because he feared that he may no longer have a position at GraceMed.

At 11:15 a.m. it was (M) and (S) and passed to recess to executive session for deliberation until 11:30 a.m.

At 11:30 a.m. the board reopened the meeting. It was (M) and (S) and passed to deny Dr. Jenkins' request for a modification of his order, due to the lack of evidence at this time of rehabilitation. The motion passed, his request was denied. Dr. Jenkins was informed that future requests to the

board for modifications would need to be accompanied by letters of denial and a special session could be called to respond to his request.

**5. It was (M) and (S) and passed to revise the agenda to address the proposed stipulated orders at this time so that Denise Maus could participate in these votes.**

6. Mr. Forbes presented the Stipulation Order for **Ms Luisella Troilo, RDH**. She voluntarily surrendered her license. She had a Consent Agreement with the board after failing to continue to participate in the HAPN program that she would not practice until she was in compliance with HAPN. She failed to remain compliant with the program and agreed to surrender her hygiene license. **It was (M) and (S) to approve the stipulation. The motion passed.**

Mr. Forbes presented the Stipulation Order for **Dr. Thomas Rainbolt, DDS**. The dentist filed an insurance claim for procedures that were performed in September and November 2006, but indicated the treatment date as January 2007. One veneer for the patient was billed as a crown. Treatment records were not complete due to modifications made to dental software. Fine \$1000. **It was (M) and (S) to approve the stipulation. The motion passed.**

**7. Report of the President.** The board reviewed that a new specialist in Kansas must first be licensed as a general dentist. An endodontist had called the board and asked how to become licensed as a "oral and maxillofacial radiology" specialist. The board decided that since there is no one in Kansas yet with that specialty, the application would be reviewed by the Oral and Maxillofacial surgery committee.

**8. Inspections Report** – Dr. Johnson reported that 140 offices and 190 dentists were inspected in the last four months, with 14-15% having violations.

**9. Regulatory Review Committee Report** – Dr. Callanan explained that the sedation/anesthesia regulations have been approved by the Department of Administration, and the Attorney General. The next step is to present the regulations at a public hearing. **It was (M) and (S) and passed to approve the regulations for a public hearing.** There will be a board meeting on February 12, 2010 at 9:00 am for the public hearing on the sedation regulations.

**10. Continuing Education Committee** – Dr. Stevens suggested we may limit the number of Continuing Education (CE) hours allowed as online courses. It was suggested that the CE could have required topics.

**10. Executive Report** – Betty Wright reports that at the national conference the AADE voted to change its name to the National Association of Dental Boards (NADB). That body will monitor the progress of a national clinical dental examination.

Ms. Wright is considering having license and complaint files imaged and perhaps stored elsewhere than the state's records unit for the sake of speed and accessibility. Ms. Wright is to present the confidentiality provisions, assurances of confidentiality provisions and estimated retrieval costs prior to making a decision on record storage. It may be advisable to remain within the state system. Imaging for document retrieval is approved.

The October newsletter was reviewed; it will be revised to include the date of the public hearing for sedation regulations, February 12, 2010.

The board discussed its position regarding the use of botulinum toxin type A and dermal fillers by dentists. Previously the board staff was to tell callers that the board's position on these items is that is not a violation to use these products for a dental purpose. After discussion, the board staff is to inform callers that the use of these products is to be "limited to the practice of dentistry, and the practice of dentistry is defined in the Dental Practices Act."

The legislature had asked the board to consider some fee reductions, due to a rising fee fund balance. It was (M), (S) and passed to change the following fees:

1. Reduce all applicant fees by \$25.00, which is the current fee for new wall certificates, there will be a \$25.00 fee for each duplicate certificate.

2. Reduce our applications by credentials fee by \$100, the amount previously charged for background checks. The fee for applications by credentials will be \$300 – (previously \$425). Dentist applicants by examination will pay \$200 (previously \$225) and hygienist applicants will pay \$100.00 (previously \$125). All new licensees continue to pay the pro-rated license fee.

3. Eliminate \$5.00 for duplicate license cards if lost by applicant; they will be issued for free.

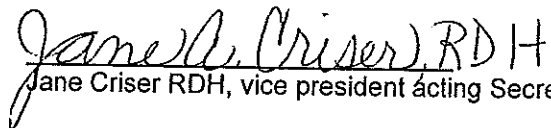
4. Our verification fee for certifying a license status to other state boards will go from \$50.00 to \$20.00.

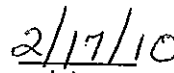
11. **New business.** At the next meeting the board may consider a regulation regarding board member attendance and participation.

12. **It was (M) and (S) to adjourn at 2:00 p.m. The motion passed. The meeting was adjourned.**

13. **Next meeting date:** February 12, 2010 in Topeka.

The following guests were present on the conference call for the board meeting:  
Ms. Caron Shipley, RDH, KDHE; Vanda Collins board staff; and Rick Merker, attorney

  
Jane Criser RDH, vice president acting Secretary

  
date